



Volume 3, Issue 9

# The Judicial Branch News

September 2008

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The *Judicial Branch News* is an online newsletter published by the Media Relations and Community Outreach Department. The newsletter is also available on the Court's Intranet site at:  
<http://courts.maricopa.gov/publicInfo/newsLetter/index.asp>

If you wish to contribute to this newsletter, please send articles, news items, photos or other correspondence to:  
[karra@superiorcourt.maricopa.gov](mailto:karra@superiorcourt.maricopa.gov).

*"Committed to the Timely, Fair and Impartial Administration of Justice."*



**BOS Honors Court Leaders**

*Left to right - Presiding Judge Barbara Rodriguez Mundell (accepting for Phillip Hanley,) Supervisor Don Stapley, Mike Goss, Adult Probation (accepting for Barbara Broderick,) Supervisor Mary Rose Wilcox, Court Administrator Marcus Reinkensmeyer, Supervisor Max Wilson, Clerk of the Court Michael Jeanes and Supervisor Fulton Brock.*

On September 17, the Maricopa County Board of Supervisors held a recognition ceremony to celebrate the accomplishments of county leaders who are leading their professional associations. Among the list of Judicial Branch employees honored were Court Administrator **Marcus Reinkensmeyer**, Human Resources Director **Phillip Hanley** and Probation Chief **Barbara Broderick**.

Reinkensmeyer was sworn in as president of the National Association of Court Management (NACM). During his one-year term, Reinkensmeyer will lead an international organization of court management professionals.

The Association of Labor Relations Agencies (ALRA) elected Hanley to be its president for a one-year term. ALRA is a professional association that monitors the administration of labor-management relations laws and services.

The American Probation and Parole Association (APPA) elected Chief Broderick as its president-elect in 2007. She will serve a two-year-term as president-elect and will become president of the group in August of 2009.

## Message From the Presiding Judge



**Barbara Rodriguez Mundell**  
Presiding Judge

On November 15, the first group of Maricopa County citizens will report for jury service under the new Maricopa County Alternative Juror Summoning Plan.

The plan, which I re-implemented in the beginning of September, is designed to reduce excessive commutes for jurors and ease their frustrations by summoning most—but not all—jurors from zip codes closest to a court complex. Jurors will still be summoned from anywhere within Maricopa County; however, more jurors will have a greater chance of being summoned to the closest courthouse than to a more distant courthouse from their residence.

The Alternative Summoning Plan is an amended version of the Proximity Weighted Summoning (PWS) that was employed from 2004 to 2006. The PWS summoning method was discontinued in August of 2006 following a legal challenge. That challenge to the PWS system did not prevail. Judge William J. O'Neil ruled that the PWS system was in compliance with Arizona law (CV2006-012150).

In order to re-implement a revised summoning plan, the Court conducted an extensive vetting and approval process including assessments by various professional associations and government agencies.

On June 19th, the revised summoning plan was recommended for approval by the Arizona Judicial Council and, on July 19th, Arizona Supreme Court Chief Justice Ruth McGregor signed the administrative order approving the Maricopa County Alternative Juror Summoning Plan (A.O. 2008-61).

All that is remaining to make the plan fully operational is to download the most recent data into the software program we will be using to run the system. Once this is finished, jury summons will be sent out.

I am excited about the new plan because it has many benefits for jurors and the court, including more convenient juror commutes and mileage cost savings. At the same time, it preserves an equal probability of juror selection countywide and maintains a jury pool at each court location that mirrors the demographic characteristics of the County.

Jurors have a lot of responsibilities in their lives. So when we ask them to put their daily lives on hold, we should make jury service as convenient as possible for them. Jury service is one of the most important aspects of the justice system. Superior Court recognizes the important role jurors play, and is continually exploring ways to enhance the juror experience.

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## Criminal Presiding Judge Announces Retirement

**Criminal Presiding Judge Anna Baca** will be retiring in January, 2009. Judge Baca joined the Bench in 1994 following more than a decade of work as an administrative law judge and enforcement manager for the U.S. Equal Employment Opportunity Commission.

"She has done an outstanding job of running the criminal department. She has demonstrated wisdom, calmness and integrity in executing her job responsibilities, and she works tirelessly for hours on end. I hate to see her leave but I know she has more than earned her right to take a rest," Presiding Judge Barbara Rodriguez Mundell said.

Judge Gary Donahoe will take over for Judge Baca as the new criminal presiding judge.

## Newsmakers

### Bankruptcy Expert to be Sworn-in as Judge

Former bankruptcy and creditor's rights law attorney, Benjamin Norris will be sworn in as a Superior Court Judge on October 10th in the Maricopa County Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix.

Judge Norris, who was appointed by Governor Janet Napolitano in June, has been assigned to juvenile court.

Prior to becoming a judge, Norris was a partner in the law firm of Quarles and Brady, LLP. He previously served as a trial attorney in the Tax Division at the U.S. Department of Justice. As an attorney, he handled cases involving contracts, lease disputes, disagreements over corporate control, lender matters and the liquidation of companies.



*Benjamin Norris*

He was admitted to the State Bar of Arizona in 1987 and, in the same year, was admitted to appear in the U.S. Court of Appeals, 9th Circuit and the U.S. District in Arizona. He is a member of the Maricopa County Bar Association and has been a member of the Litigation Section of the American Bar Association. He served as chair of the State Bar's Bankruptcy Section in 2005-2006.

In 1983, Norris earned his Bachelor of Arts degree from Yale University. He then attended Northwestern University, receiving his juris doctorate degree in 1986. From 1989 until 1993, he was a trial attorney with the U.S. Department of Justice in Washington D.C.

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### Employee Climbs the Juvenile Probation Ranks

Chief Juvenile Probation Officer **Carol Boone** has promoted **Cynthia Goertz** as the department's director of Treatment Services. Goertz, a 17-year veteran with Juvenile Probation, fills the position vacated by Rudy Mayfield who retired earlier this year.

Goertz' promotion comes during a rotation of division directors within Juvenile Probation. These moves, which are being done for cross-training purposes, include: Debra Hall (Detention), Debra Olson (Community Supervision) and Alice Bustillo (Administration).

In her new position, Goertz will be responsible for supervising Juvenile Probation's special supervision, drug court, residential treatment supervision and program services units.



*Cynthia Goertz*

"I am excited about the challenges that lie ahead," Goertz said. "In these tough economic times, we work to continue providing kids and their families the services they need. We must also stay committed to our use of evidence-based programs to help reduce recidivism."

Goertz began her career in 1991 as an on-call detention officer while she was attending Arizona State University. She holds a bachelor's degree in psychology from ASU and a master's degree in public administration from Western International University.

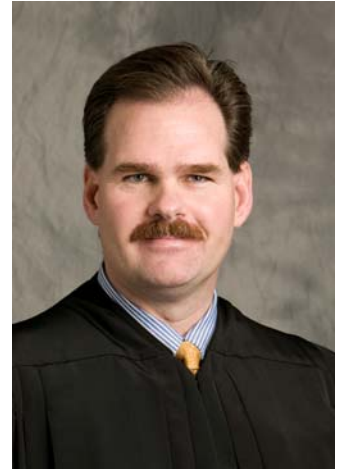
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## Q and A: Daniel G. Martin

*Judges who have joined the bench over the past several months are being featured in a question-and answer feature that runs regularly in the Judicial Branch News.*

**Q. What has surprised you the most about making the transition from an administrative law judge to a Superior Court judge? Please explain.**

A. If I had to choose the one thing that has surprised me the most, I guess it would be the sheer number of people that we serve here at the Court. I had a fair idea before I came over as to the number of cases that are filed each year, but, like putting a face to a name, I wasn't able to truly appreciate those numbers until I started working at the Court and seeing on a daily basis the people standing in line, waiting at the elevators, having lunch in the cafeteria, or appearing in Court. It is a constant reminder of the responsibility that we bear, and, in a good way, a reminder that we are here to serve.



*Judge Daniel G. Martin*

**Q. In 2006, you received the Judicial Award of Excellence from the Public Lawyers Section of the State Bar of Arizona. In your opinion, was there a specific ruling or event that caught the eyes of your peers?**

A. There was. One of our State legislators, Rep. David Burnell Smith, had appealed a decision by the Citizens Clean Elections Commission to impose sanctions, including removal from office, for violations of the clean elections statutes (overspending of his public funding). When the appeal reached the Office of Administrative Hearings, I was assigned to preside over the case and issue a recommended decision. The question as to whether a legislator could be removed from office for violating clean election laws was one of first impression in Arizona (and, as far as I could tell, the country), and the case raised some very significant issues. After a lengthy hearing, I issued a decision recommending that the sanctions be affirmed. The matter ultimately wound its way to the Arizona Supreme Court, which denied Representative Smith's motion for a stay of the order to vacate his office, effectively ending the case.

**Q. Upon graduating from law school, you served as a law clerk for Arizona Supreme Court Vice-Chief Justice James Moeller. How did that experience influence your career path?**

A. I would have to say that clerking for Justice Moeller was one of the greatest experiences in my life, and that if I was to list all of the reasons I became a judge, his influence would be at the top of that list. It's hard to convey to those who don't know Justice Moeller what a great man and outstanding jurist he is (he served on both the Superior Court and the Supreme Court), but to sum it up, Justice Moeller is a person who dedicated himself to justice, fairness, and public service. In working with him, it was impossible not to get caught up in his enthusiasm for the law, or to fail to appreciate the significance that our decisions as judges have on people's lives. I have said it often, but never tire of repeating, that after spending a year with him I knew what I wanted to do with the rest of my life (even though it took some time to achieve it!).

**Q. Has your work with youth organizations and other local charities prepared or helped you with your family court calendar?**

A. The short answer is yes, very much. My experiences working with youth groups in particular serve as a daily reminder of the importance of the decisions we make in family court, and for me, at least, constantly reinforce the fact that for the persons who appear in front of us, theirs is the most important case we will hear that day.



## ***Q and A: Daniel G. Martin - Continued***

### **Q. What's your favorite quote?**

A. "You can observe a lot just by watching." (Yogi Berra)

### **Q. If you had a day to spend with anyone (living or dead, real or fictional), who would it be and what would you do?**

A. That is a very tough question, and I don't want my answer to seem trite or cliché. But if I was able to choose, it would be my mom, who lost her battle with cancer shortly after my appointment to the bench. What would we do? She loved the mountains in Colorado, so I suppose we'd hang out up in Rocky Mountain National Park with my wife and son (and our two dogs).

### **Q. Do you own an iPod? If so, what songs are in your playlist?**

A. I do, and I use it every day. As to the playlist, the answer is everything from classic rock to modern jazz. Some of my current favorites include Counting Crows, Gin Blossoms, Allman Brothers, Carlos Santana, Sheryl Crow, John Mayer, Pat Metheny, Brian Kahanek, Asleep at the Wheel, Bob (and Ziggy) Marley, the Clash, Elvis Costello, and U2. And of course, being that I grew up just outside of Boston, there is usually a healthy dose of Aerosmith, Boston, and the J. Geils Band in each of my playlists.

## **Library and Self-Service Center Tip: iCIS available here!**

We so often have to send our court customers from one end of the Court to the other. And, it can be just as frustrating to staff as to the customer! So, the Law Library and Self-Service Centers have taken one step to ease this burden. The Library and each Self-Service Center has a dedicated iCIS terminal available for public use. While these terminals are read-only and cannot print, they still allow our customers to get their case-specific information at a convenient location within the Court complex.

But, let's take a step back even further. Maybe you don't know what iCIS is and how it can be a resource for court customers? iCIS stands for Integrated Court Information System. This application allows a court customer or court staff to search our court records by various categories such as case number or a litigant's name. Once a record is found, the user can view the documents filed in that case.

Now that you know where iCIS is and what it is, you can confidently refer customers to the Law Library and Self-Service Centers if you know iCIS access is what they need!

If you or a customer have questions about iCIS access in the Law Library or Self-Service Center, contact the library on the second floor of the East Court Building, by telephone at 602-506-3461 or by email at [services@scll.maricopa.gov](mailto:services@scll.maricopa.gov) for more information. You can also ask any of the Self-Service Center staff at your location for more information as well.

**Submitted by Jennifer Murray**  
Law Library

# Court News and Notes

## Judge Downie Earns Service Award



Margaret H. Downie

The Arizona Association of Defense Counsel selected **Judge Margaret H. Downie** as its recipient of its Distinguished Service Award.

The group will honor Judge Downie at an awards ceremony on September 25 at the University Club in Phoenix.

Arizona Association of Defense Counsel (AADC) is a non-profit organization that was established in April, 1965. AADC is composed of defense attorneys who practice primarily in the area of civil defense litigation. AADC is dedicated to the education of its members and the judiciary and increasing community awareness of positive aspects of the legal profession.

## Problem Solving Courts Save Money

In Fiscal Year 2008, Superior Court's Drug and DUI Court saved Maricopa County taxpayers approximately \$400,000 and freed up 5,514 jail beds for inmates.

Drug and DUI Courts, part of Superior Court's problem solving courts, cost more up front but they are cutting costs over the long haul and keeping communities safer by lowering recidivism.

Problem solving courts, based on the drug court model, continue to be an effective alternative to conventional sentencing. The outline of the Drug Court model is clear: addicted offenders are linked to treatment; their progress is monitored by a drug court team composed of the judge, attorneys, and program staff; participants engage in direct interaction with the judge, who responds to progress and setbacks with a range of rewards and sanctions; and successful participants generally have the charges against them dismissed or reduced, while those who fail receive jail or prison sentences. Feedback from participants suggests this model allows for citizens to have greater trust in the justice system as it helps develop law abiding behavior and provides for collaboration between inter-agencies and community organizations.

The Superior Court of Arizona, in Maricopa County currently operates nine problem solving courts: Drug Court, DUI Court, Spanish Language and Native American DUI Court, Transferred Juvenile Offender Program, Domestic Violence Court, Comprehensive Mental Health Court, Family Drug Court, Accountability Court and Juvenile Drug Court. Plans are in place to start a drug court in Juvenile Court that will focus on substance involved mothers (meth users) and their substance exposed newborns.

### National Impact of Problem Solving Courts:

According to a recent national study (April 2008) conducted by the Urban Institute's Justice Policy Center, "To Treat or Not to Treat: Evidence on the Prospects of Expanding Treatment to Drug-Involved Offenders," 1.5 million drug-involved offenders should be diverted to drug court, saving the American tax payer \$46 billion. The study shows that there are about 55,000 individuals treated annually in drug courts, which creates more than \$1 billion dollars in annual savings.

Another study, conducted by the Institute on Public Policy (2004) involving 83 drug courts, reported a 24-month recidivism rate of 27 percent for Drug Court graduates compared to a 44 percent rate for the comparison group receiving conventional sentencing.

Nationally, research indicates that problem solving courts and the underlying theory of therapeutic jurisprudence have positively impacted the criminal justice system.

## NACo Awards

### Judicial Branch Brings Home NACo Awards

On August 26th, Maricopa County hosted the 2008 National Association of Counties recognition ceremony, celebrating the achievements of its employees. The ceremony was held on the 10<sup>th</sup> floor of the County Administration Building in Phoenix.



*Community Forums* - (Pictured left to right) - Don Stapley, NACo President and Supervisor, District 2, **Patricia Seguin**, Community Outreach Director, **Presiding Judge Barbara Rodriguez Mundell**, Andy Kunasek, Maricopa County Board of Supervisors Chairman, Max Wilson, Supervisor, District 4 and David Smith, County Manager.



*CourTools Measurement System* – (Pictured left to right) Don Stapley, NACo President and Supervisor, District 2, **David Stevens**, CTS, **Steve Scales**, CTS, **Ken Troxel**, CTS, Andy Kunasek, Maricopa County Board of Supervisors Chairman, Max Wilson, Supervisor, District 4 and David Smith, County Manager.



*Automated Criminal History: Determining Offender Risk to the Community* – (Pictured left to right) Don Stapley, NACo President and Supervisor, District 2, **Barbara Broderick**, Adult Probation Chief, **Mark Hendershot**, Adult Probation, Andy Kunasek, Maricopa County Board of Supervisors Chairman, Max Wilson, Supervisor, District 4 and David Smith, County Manager.



*Contingency Management: Improving Outcomes with Drug Offenders* – (Pictured left to right) Don Stapley, NACo President and Supervisor, District 2, **Barbara Broderick**, Adult Probation Chief, **Vicki Biro**, Adult Probation, **Karen Barnes**, Adult Probation, Andy Kunasek, Maricopa County Board of Supervisors Chairman, Max Wilson, Supervisor, District 4 and David Smith, County Manager.



*Tabletop Exercises for Critical Incident Preparedness* – (Pictured left to right) **Barbara Broderick**, Adult Probation Chief, Don Stapley, NACo President and Supervisor, District 2, **Zach Dal Pra**, Adult Probation, **Gary Streeter**, Adult Probation, Andy Kunasek, Maricopa County Board of Supervisors Chairman, Max Wilson, Supervisor, District 4 and David Smith, County Manager.



# Court News and Notes

## Capital Case Enhancements

Court Technology Services is excited to announce the launch of many significant iCIS enhancements facilitating better management of capital cases. These enhancements will optimize an administrators' and judges' ability to visualize and manipulate the scheduling of resources committed to the resolution of capital cases.

Some of the highlights include:

**The Capital Conflict Screen** - This allows the user to query for both existing conflicts and potential conflicts when scheduling hearings, especially trials.

**The Projected Hearing Screen** - This has two key purposes: to automate the setting of several individual daily hearings that combine to represent one long-term trial and to provide a projection as to how long the trial is expected to last.

**The Capital Case Timeline Screen** - This screen facilitates comparing the projected estimate upon initial entry of a capital trial to how long the trial actually took in reality. The screen allows the user to search by date, calendar multiple attorneys and provides a nine-month outlook of trials set on capital cases in a timeline view.

All of the Capital Case enhancements described here are individual enhancements that were part of an overall capital case project and vision that was devised and requested of CTS to optimize the courts ability to manage these cases.

**Submitted By Steven Scales**  
**Court Technology Services**

## Support the Law Library's Superior Court Book Drive!

This conclusive quotation from the National Endowment for the Arts study "To Read or Not to Read: A Question of National Consequence" highlights the critical impact reading can have on the lives of individuals in our society. A recent essay in the New York Times by Randy Salzman stated that "Maybe just one book in a Juvenile Court waiting room picked up by one bored kid might pull him or her back from the brink of disaster."

Let's offer people books and magazines to read while they are in the waiting areas of various court departments.

**What can you do to help?** Get started by bringing gently used books and magazines to any of **the following donation sites**:

\***Downtown** - The Law Library Reference Desk on the second floor in the East Court Building.

\***Northeast** - NE Self-Service Center Supervisor Maribel Rodriguez's cubicle.

\***Northwest** - The Self-Service Center front counter at the Northwest Judicial Complex.

\***Southeast** - The Self-Service Center and Legal Research Station front counter at the Southeast Judicial Complex.

The donated materials should be appropriate for our court customers. Law Library staff will sort through the donations and make them available to any court department that wants them.

If you have any **questions** regarding the Superior Court Book Drive, please contact the Law Library at 602-506-3461.

**Submitted By Law Library Staff**



# Courtside

## Photo Highlights

After 23 years of dedicated service to Maricopa County, Karen Jensen, Criminal Department JA Trainer, retired on September 22.

**Top** - Karen Jensen with General Jurisdiction Court Administrator Phil Knox and Court Administrator Marcus Reinkensmeyer during her retirement party.



**Bottom** - Karen Jensen is showered with gifts during her party. Her colleagues presented her with a charm bracelet (right) and a photo keepsake. (left)



**Court Administrator Marcus Reinkensmeyer** presents **Carol Crimi** an award during her retirement party for her 30-plus years of service. Crimi began working for Maricopa County in 1974. She most recently served as the Court's travel coordinator.

## Save the Date: Fall Community Forums

**Please join us for our next series of community forums!**

**Thursday, October 9, 2008 - 6pm**  
Phoenix College  
Dome Room  
3310 North 10<sup>th</sup> Avenue  
Phoenix, AZ 85013

**Thursday, October 16, 2008 - 6pm**  
Scottsdale Community College  
Turquoise Room in Student Center  
9000 East Chaparral Road  
Scottsdale, AZ 85256

**Wednesday, October 29, 2008 - 6pm**  
Southminster Presbyterian Church  
1923 East Broadway Road  
Phoenix, AZ 85066

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